

**Notice of Public Meeting  
Town of Superior  
Regular Council Meeting  
Thursday, November 17, 2011-7:00 P.M.  
Superior Senior Center  
360 Main Street, Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER**

Vice Mayor Olga Lopez called the meeting to order at 7:05 p.m.

**B. SALUTE TO THE FLAG**

Vice Mayor Lopez led the salute to the flag.

**C. OPENING PRAYER**

Pastor Albert Rodriguez of the Superior Harvest Church led the opening prayer.

**D. ROLL CALL**

**Present:** Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Vice Mayor Olga Lopez. **Absent:** Michael Hing *(Following the approval of business item G1 and the swearing in of the new mayor, Mayor Jayme Valenzuela was present for the rest of the meeting.)*

**E. CONSENT AGENDA**

1. Approval of Minutes for Work Session November 3, 2011
2. Blanket Permit submitted by Christopher Grap for fundraising activities
3. Disbursements for month of October 2011

**MOTION:** Council Member Tomerlin moved to approve the consent agenda. Council Member Peralta seconded. **VOTE:** The motion carried unanimously.

**F. COMMUNICATION**

1. Manager’s report—Deputy Town Manager Lou Digirolamo

- a) Update on the Town Clean Up Day

Sue Anderson updated council on the town clean-up day and thanked the town and other entities for their hard work. That had put them over the 1 million pound mark in trash in four years. (applause from audience) Council Member Aguilar thanked Ms. Anderson for her hard work and Vice Mayor Lopez also commended her.

- b) Finance Report/Revenue and Accounts Payable—Account Clerk Nicole Welty

Ms. Welty updated the council on finances, including revenue and accounts payable.

**G. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

1. Discuss/Approve/Reject Canvas of the votes from the November 8, 2011 Recall Election/Resolution 534

Deputy Town Manager Digirolamo read the official results from the Pinal County Elections Department of the recall election. Michael O. Hing 325 votes, Jayme Valenzuela 353 votes. There was audience applause. He read Resolution 534 by caption declaring the results of the recall election.

**MOTION:** Council Member Tomerlin moved to approve the canvas of votes and Resolution 534. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

2. Administer Loyalty Oath to Mayor Elect Jayme Valenzuela

Judge Larry Bravo administered the oath. (applause from audience) Mayor Valenzuela took his seat at the council table. He received the gavel from Vice Mayor Lopez and chaired the remainder of the meeting.

3. Presentation/Discussion Independent Auditors' Report for fiscal year ending in June 30, 2009. Audit submitted in draft form only at this time.

Scott Powell of Colby & Powell presented the draft audit for fiscal year 2008-2009. He reviewed this and responded to questions.

Among topics discussed were HURF funds. Mayor Valenzuela said in going through paperwork and talking with other municipalities that there actually is an ARS statute that states transportation excise tax revenues may only be used for streets, highways and transportation projects. (ARS 28-63-92). There are 13 other towns in the county. The auditor general performed an audit of all of Pinal County in June 2011. Three towns were found out of compliance: Maricopa, Kearny and Superior—Superior to the point of \$1.5 million of money that was loaned out of HURF revenue that was misappropriated according to state statute.

What scared him was what they were going to be in for in 2010 and 2011 if they were still doing that. He doesn't know if this report was ever made public to anyone in the council but it was published in June 2011 by the auditor general's office. It states here (indicating a document) where Town Manager Melanie Oliver filed a response that in six months she would have all these problems fixed. It told them what to do, policies and procedures, timeline to pay the money back, and as of this day, he didn't think they'd done any of this.

Deputy Town Manager Digirolamo said the contention from the manager's office has been that it was a matter of funds being miscoded.

Mayor Valenzuela said he understood that but he didn't think they were going to go back and find \$1.5 million in miscalculations or miscoded items. Those are going to be standout items right off the ledger that they are going to be able to see.

There were further comments on this topic. Mayor Valenzuela also said that he found it very coincidental that this report was published in June 2011. The town manager filed a response on June 13, 2011. A week later she was gone. He made further comments and added that he wanted all council members to read the report.

Council Member Gutierrez said they should budget the money to hire qualified employees to help staff because between running the town and keeping up with current stuff it may take longer, that would be his recommendation. Council Member Tameron asked if all the records were now at town hall or still scattered. Deputy Town Manager Digirolamo said they were at town hall. Mayor Valenzuela said this needs to be expedited. He asked Mr. Powell what they could do to expedite the audits. Mr. Powell said the biggest mistake they could make was to let the day-to-day finances suffer.

As far as auditing that would not take his company long. Council Member Gutierrez said Vice Mayor Lopez had been doing some of the work. She said she has but she hasn't lately. Council Member Gutierrez said that was not the answer. They needed hired help.

Mayor Valenzuela asked staff whether they were familiar with the report from the auditor general's office, whether they had implemented a policy to stop borrowing from the HURF and when. Deputy Town Manager Digirolamo said he was and they had implemented the policy but it needed to be coded right. They had stopped borrowing from HURF when they got the letter from the auditor general. Mayor Valenzuela said that was June of 2011.

Deputy Town Manager Digirolamo said in 2008-2009, Ms. Welty was not the finance director and he was not in town hall.

Roy Chavez was recognized and spoke as a citizen. He reminded that the town in the last audit they had been assessed a penalty for going over expenditure limitations because they had not passed it. and this is the second audit in the past four years and they were looking at penalties again. There were further comments and an exchange between Council Member Gutierrez and Mr. Chavez. Mayor Valenzuela used his gavel and indicated an end to the exchange.

4. Discuss/Approve/Reject Resolution 533 authorizing town manager to execute escrow documents for the sale of 679 W. Main

Deputy Town Manager Digirolamo read the resolution by title accepting the bid for the property owned by the town and authorizing the town manager to execute the documents.

**MOTION:** Council Member Peralta moved to approve the resolution. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

5. Discuss/Approve/Reject contract from Resolution Copper reference sewer tap and service fees located on N. Magma Avenue

Deputy Town Manager Digirolamo said this was tabled at the last meeting because of lack of a quorum. A number of council members had declared a conflict of interest and they did not have enough for a quorum. Some of the council members had an issue with not wanting to encumber a future council. So, they made the original contract a one year contract expiring in 2012 with an option for a six-month contract that would carry it to 2013. At that time a new council could either terminate the contract or extend. It calls for a service fee of \$1100 a month, as well as the \$500 tap and the \$13 a month. So, what they are paying for this service is \$1113 a month to the town.

**MOTION:** Council Member Aguilar moved to approve the resolution. Council Member Tomerlin seconded.

Discussion included a comment from Mayor Valenzuela regarding sewer rates he compared with other communities. In other areas the sewer tap would have been \$1900 for those living outside the city limits as Resolution does. This is consistent with other communities. Their monthly fee would be around \$680. He had done the math and with that they were not going to get short sided, they were going to even out with \$1113. He just wanted the community to know that it was all going to work out in the end. Council Member Aguilar asked a question about conflict of interest, why if you are not directly working for that company is there a conflict. Town Attorney Christopher Wencker clarified the conflict of interest statute by defining the difference between a direct interest and a remote interest. Anything that is not a direct interest is a remote interest. The decision as to whether to consider something a conflict of interest is up to the individual elected official.

Vice Mayor Lopez, Council Member Gutierrez and Council Member Tameron declared conflicts of interest.

**VOTE:** The motion carried 3 to 1 with Council Member Peralta opposed.

6. Discuss/Approve/Reject letter of support for both the Copper Corridor Development Coalition and the Superior Economic Development Corporation, Inc. in their efforts to secure funding.

Mila Lira presented the request for a letter of support for this type of economic planning.

**MOTION:** Council Member Peralta moved to approve the letter of support for both the Copper Corridor Economic Development Coalition and the Superior Economic Development Corporation, Inc. in their efforts to secure funding. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

7. Discuss/Approve/Reject Liquor License for Farmer's Market 798 Highway 60, applicant Faris Sukkar

Deputy Town Manager Digirolamo responded to questions. He indicated everything in the application was okay. He said he had an informal meeting with Sonnie Samson who had voiced opposition. That was the only opposition received. Council Member Gutierrez asked why Mr. Samson was opposed. Mr. Samson said they don't appear to have a building permit. They are redoing the building. Council Member Gutierrez asked the deputy town manager if they have a building permit. Deputy Town Manager Digirolamo said yes, everything would be submitted to Becky Brothers by the next day. He said even if they approve or disapprove the liquor license, the store would not be given an occupancy permit to sell anything until they meet the code standards.

**MOTION:** Council Member Tameron moved to accept the liquor license application from Faris Sukkar. Vice Mayor Lopez seconded. Council Member Peralta seconded. **VOTE:** The motion carried 6-1 with Council Member Tomerlin opposed.

#### H. CALL TO THE PUBLIC

Curt Williams had a question on having four voting members who did not declare a conflict of interest and that passed 3-1. He asked if when somebody is recused there doesn't still have to be a vote of majority of elected officials. Attorney Wencker responded that most votes by governing bodies have to be by majority of votes cast. There has to be a quorum for the council to transact business. That means the majority of members, four for a seven member council. The short answer is yes, 3-1 could pass the motion.

Freddie Miramon congratulated Mayor Valenzuela. He also commented on the Northwest Study. BHP did a pretty good job on the north side of Pinal Street. It would be good if council members came and did an observation of the work. From what he has observed the residents are very happy.

Council Member Aguilar said he went there every morning.

Council Member Tameron said he went four days a week.

Mr. Miramon noted that fireworks had been held because of bad weather on the 4<sup>th</sup> of July. He wondered if in light of the election of a new public official, they would consider using the fireworks.

Vice Mayor Lopez said that was discussed but the fireworks would be held off and used on the next 4<sup>th</sup> of July for a longer program.

## I. EXECUTIVE SESSION:

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1) (A-3) & (A-7)

1. Executive session, pursuant to ARS 38-431.03 (A-1) (A-3) (A-7).

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY; A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

There was no executive session.

## J. COUNCIL COMMENTS:

**Council Member Gutierrez:** Congratulated new Mayor Valenzuela for effort on the recall. It is interesting to see how our political system works. He does not necessarily support recalls but supports the outcome. It is always interesting to have new leadership. From his business experience with new leadership comes fresh opportunities, fresh set of eyes, new points of view. He looks forward to that. He also recommended staff to send separate files for meeting documents put in a folder as it is difficult to search one pdf. He said to Mr. Miramon re the BHP project he does go down there and it is amazing how well the landscape looks.

**Council Member Tomerlin:** Looked forward to working with the new mayor on any issue that comes before the council and congratulations on his election.

**Council Member Tameron:** Congratulated new mayor on his election. Also, he would like to see the call to the public brought to the beginning of the meeting. People who come sit there and when it comes to that point they leave. And, to Mr. Miramon on the BHP project, he goes out there four days a week and they are doing an excellent job. He commented on a problem re the transfer station and said he would get with the deputy town manager on that.

**Council Member Peralta:** Congratulated Mayor Valenzuela. It was a fight long and hard. She was the only council member who openly supported the recall. She is so happy with the result. Congratulations and it's a new day. (applause from audience)

**Council Member Aguilar:** Congratulated Mayor Valenzuela. Also, they really need to look at the transfer station, discuss and do something about it. Thanks to Sue Anderson again for the clean-up. Again, congratulations to the mayor and he hoped to work with him hard.

**Vice Mayor Lopez:** Congratulated Mayor Valenzuela and looked forward to working with him and hopefully moving forward in a positive and optimistic way. Definitely wanted to get a copy of that report. He had a lot of vital information that they all needed to be aware of and to share and discuss. Knows the deputy town manager has been working with Orion and it'll probably be on the agenda soon. Concurred with request to move call to public towards the beginning of the meeting so they don't have to wait or leave without being able to give their concerns and comments. To Sue Anderson: continuing to do a good job and they appreciate all her efforts and support and it has been really good for the town. To all: a good Thanksgiving holiday and have a safe one, spend time with family and Godspeed.

**Mayor Valenzuela:** As Ms. Peralta said, it was a long road and a hard fought battle but they made it and hopefully they can look forward, not backwards. They all needed to move forward and work as one, work as a community, work together. They needed to leave the past in the past. They had discussed a lot tonight about what has occurred in the past and what's gone on in the past, but hopefully, today they move forward and they make it better for everybody in the community. As Pastor Rodriguez said, they

were all put there as leaders to work for the people and that is what they are put there to do and not to forget who they are and what they stand for and who they stand for. Because, they stand for the people.

He is humbled by being elected the town mayor. He has lived there his entire life and all he wants to do is make it better. He thanked his family, his mom, his daughters, his nephews, his nieces, his sister, his brother, his friends, everyone, and everyone who got out and worked. Everybody worked hard and they delivered a message that change is here and it is going to be good change. It is going to be something positive.

They have to work through the audits. That's probably the biggest priority they have as a council is to work through those audits and move forward. The transfer station needs to be addressed. The streets need a lot of work. The streets and alleys need a lot of clean-up and maintenance, attention to detail on the streets.

Let's make the community respectable. Let's get rid of the weeds in front of the houses and alleys. The street crews used to clean the alleys and in front of the homes. Let's take pride in what we do as a city employee. The council will recognize that. He as a mayor will recognize that. The cemetery is another issue. It needs some work.

To the Let's Talk Trash Committee: You do outstanding work. Without you they'd probably have even more of a mess to clean up.

The other thing he wanted to talk about is to echo some of the other council members are moving the call to the public to the front of the agenda. They came there to voice their opinions and critique the council. That is why they are there. Critique them, critique the town as a whole, and critique all of them. They'll get better when they take constructive criticism. They don't need to be offended by it. They needed to move forward in a positive way with it. He didn't take any offense to anything said out there. He has been in politics before, all of them had been in politics for a while and you have to have thick skin to move forward and do the job. They don't do it for the pay. They do it because they love their community. He knows that is why he does it and he knows that is why everybody up there does it. He hopes they as a council can get together and be united in what they do there as a council because moving forward is everybody's first choice. It is his and he knows it is that of everybody up there.

Again he wanted to thank everybody. He looked forward to working for all the businesses in the town, all the industries in the town. If they want to attend something there is going to be more open communication. The council will be more active, come out to events. The staff will come out to events. The town staff needs to be more involved so that everybody sees everybody and knows who everybody is. They just don't see them Monday through Friday. The other thing he would like to have brought back is department heads attending council meetings and also not leaving in the middle of a meeting in case they have questions.

He thanked them again. He was humbled to be there. He will do his best in the 18 months they have to move forward and to make Superior a great place. It is already a great place and they are going to make it better. Happy Thanksgiving to everybody. (applause from audience)

#### **K. ADJOURNMENT**

**MOTION:** Vice Mayor Lopez moved to adjourn. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 8:55 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 17<sup>th</sup> day of November 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

**Lou Digirolamo** \_\_\_\_\_

**Deputy Town Clerk/Police Chief**

These minutes were compiled and transcribed by

Cindy Tracy

An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)